

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY ROBERT PETROZZI,

CASE NO. C20-6000BHS

Plaintiff,

ORDER

V.

JAY INSLEE, et al.,

Defendants.

THIS MATTER is before the Court on pro se Plaintiff Timothy Petrozzi's Motion
to Proceed *in forma pauperis*. Dkt. 88. This filing is Petrozzi's *seventy seventh*
civil rights complaint. Dkts. 6–81. Petrozzi has also filed a "Motion to
el." Dkt. 89.

This Court previously determined that Petrozzi is a serial filer of frivolous complaints. Dkt. 5. It issued a Bar Order requiring him to make an affirmative initial showing—under penalty of perjury—that he seeks to litigate new claims not present in his earlier filings. *Id.* If he asserts a 42 U.S.C. § 1983 claim, he is required to demonstrate in the first instance that he is in “imminent danger of serious bodily injury or death.” *Id.*

1 Petrozzi's latest proposed complaint accuses various governmental officials of
2 "genocide" and conspiracy and claims that various officials are violating the
3 constitutional rights of "we the people." It seeks a random, 99-digit number in damages.
4 Dkt. 88 at 5. Petrozzi does not make the required initial showing that he is imminent
5 danger, and his new proposed complaint does not differ materially from his prior ones.

6 Even absent a bar order, a court should "deny leave to proceed *in forma pauperis*
7 at the outset if it appears from the face of the proposed complaint that the action is
8 frivolous or without merit." *Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1370 (9th
9 Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma*
10 *pauperis* complaint is frivolous if "it ha[s] no arguable substance in law or fact." *Id.*
11 (citing *Rizzo v. Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d
12 1221, 1228 (9th Cir. 1984)).

13 Like his earlier filings, Petrozzi's most recent proposed complaint is nonsensical,
14 and it is frivolous as a matter of law. It does not meet the *in forma pauperis* standard, and
15 it does not meet the standard set in the Bar Order. The Motion for leave to proceed *in*
16 *forma pauperis*, Dkt. 88, is **DENIED**, and his proposed complaint is **DISMISSED with**
17 **prejudice**. Petrozzi's Motion to Compel, Dkt. 89, is **DENIED** as moot.

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The Court **WILL NOT ACCEPT** any future filings that do not comply with the terms of the Bar Order. The Clerk shall terminate any other pending motions. No Judgment shall be entered (because any future proposed claims will be opened in this case), but this Order terminating this proposed action is final and appealable.

IT IS SO ORDERED.

Dated this 20th day of May, 2021.



BENJAMIN H. SETTLE
United States District Judge